

APPEAL NO. 170099
FILED MARCH 7, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 1, 2016, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) reached maximum medical improvement (MMI) on February 27, 2015; and (2) the claimant's impairment rating (IR) is 4%. The claimant appealed, disputing the hearing officer's determinations of MMI and IR arguing the evidence established he reached MMI on June 29, 2015, with a 14% IR. The respondent (carrier) responded, urging affirmance of the disputed MMI/IR determinations.

DECISION

Affirmed as reformed.

The parties stipulated that: on February 10, 2013, the claimant sustained a compensable injury at least in the form of a left shoulder labral tear, a left shoulder sprain/strain, left shoulder rotator cuff interstitial tear, and left shoulder greater tuberosity fracture; the Texas Department of Insurance, Division of Workers' Compensation (Division)-selected doctor, (Dr. P) certified that the claimant reached MMI on June 29, 2015, and assigned a 14% IR; and the carrier required medical examination doctor, (Dr. G) certified the claimant reached MMI on February 27, 2015, and assigned a 4% IR. The records reflect that the claimant was injured when a steel box dropped striking his left shoulder.

In her discussion of the evidence the hearing officer stated that Dr. G's certification is "supported by the preponderance of the other medical evidence." The hearing officer found in Finding of Fact No. 4 that the preponderance of the other medical evidence is supported by the February 27, 2015, date of MMI and 4% IR certified by Dr. G. That finding is supported by sufficient evidence. The hearing officer determined that the claimant reached MMI on February 27, 2015, and that the claimant's IR is 4%. The hearing officer's MMI and IR determinations are supported by sufficient evidence and are affirmed.

However, in Finding of Fact No. 3, the hearing officer found that the "preponderance of the other medical evidence is not contrary to the June 29, 2015, date of [MMI] and 14% [IR] certified by Dr. [P]." It is clear from her discussion that the hearing officer was persuaded that Dr. G's certification was supported by the medical evidence and should be adopted. The hearing officer inadvertently stated in Finding of

Fact No. 3 that the other medical evidence is “not” contrary to Dr. P’s certification of MMI and IR. We reform Finding of Fact No. 3 by striking the word “not”.

We affirm the hearing officer’s determinations that the claimant reached MMI on February 27, 2015, and the claimant’s IR is 4%.

The true corporate name of the insurance carrier is **CHUBB INDEMNITY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge